

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH: 19
CENTRAL DIVISION
DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

BIOMERIDIAN INTERNATIONAL, INC., a
Utah Corporation,

Plaintiff,

vs.

JAMES HOYT CLARK, an individual;
WILLIS H. CLARK, an individual; and
STAR TECH HEALTH SERVICE, LLC, a
Utah Business Entity,

Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Case No. 2:00-cv-945

Judge Dee Benson

Before the Court is Plaintiff Biomeridian International, Incorporated's ("Biomeridian") Motion for Summary Judgment of Non-Infringement. (Dkt. No. 166). The motion is made pursuant to Federal Rule of Civil Procedure 56 and Local Rule DUCivR 56-1.

Biomeridian filed their motion and supporting memorandum on September 16, 2011. (Dkt. No. 166, 67). Pursuant to DUCivR 7-1, Defendants James Hoyt Clark, Willis H. Clark, and Star Tech Health Services, LLC (collectively "Defendants") had twenty-eight days after service of the motion to file memoranda opposing the motion. Defendants, however, have not filed a memorandum in opposition to Biomeridian's Motion for Summary Judgment.

Accordingly, in light of Defendants' failure to oppose the motion, Biomeridian filed a Request to Submit for Decision Plaintiff's Motion for Summary Judgment of Non-Infringement on November 23, 2011 (Dkt. No. 169).

Having reviewed Biomeridian's motion and supporting memorandum, and for the reasons set forth therein, the Court hereby GRANTS the motion as to non-infringement and DISMISSES Defendants' First Cause of Action as set forth in their counterclaims with prejudice.

IT IS SO ORDERED.

DATED this 14th day of December, 2011.

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge